



# An Chartlann Náisiúnta National Archives

<b>Reference Code:</b>	2016/22/2129
<b>Creation Dates:</b>	October 1986
<b>Extent and medium:</b>	4 pages
<b>Creator(s):</b>	Department of Foreign Affairs
<b>Accession Conditions:</b>	Open
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This note outlines:

- (1) White Paper preceding establishment of Assembly, April 1982.
- (2) The outline terms of the Act.

(1). White Paper

The basic principles were:-

- i) Direct rule is only a temporary arrangement
  - relies on Westminster for democratic safeguards
  - no Secretary of State or Minister in NIO from Northern Ireland
  - Northern Ireland divided community, geography and history of its politics make it impracticable to treat as rest of UK.
- ii) There is a direct link between creation of durable and fair system of government and ending violence.
- iii) The politicians of Northern Ireland must work out an acceptable scheme of Government.
- iv) Government will introduce any reasonable scheme of administration which has support of a substantial majority of the Assembly and is acceptable to both sides of the community.
- v) There are two identities in Northern Ireland and both entitled to play their part in a free society, the advocacy of fundamental change is a legitimate activity if pursued by peaceful persuasion.

## Structure

- Elected 78 member Assembly - P.R. S.T.V.
- To sit for 4 years
- To elect Presiding Officer
- Two roles: (i) determine devolution structures by either 70% majority vote of Assembly in which case Secretary of State must present scheme to Parliament. He will express a view on acceptability of scheme to both sides in Northern Ireland and depending on Parliament's view, may lay a draft Order-in-Council implementing scheme.

or

if less than 70% majority, Secretary of State to ask for the report to be passed to him by the Assembly if he considers it acceptable and then present it to Parliament as above.

- range of devolved powers limited initially to maximum 'transferred' powers, but could be less and, in time when devolved Government established could include reserved matters.
- public expenditure priorities to be left as much as possible to Assembly.
- With full devolution Executive of up to 13; not necessarily Cabinet Government.
- Secretary of State to make appointments taking account of views of Assembly
- Voting procedure to be decided by Assembly
- Executive responsible to Assembly
- If devolved Executive lost support of Assembly - consultation by Secretary of State with parties - if no alternative Executive possible either:-
  - continue existing Executive for up to 6 months as caretaker

or

appoint alternative whose members might not be Assembly members for up to 6 months

or

resume powers

- prorogue Assembly
- and
- or
- return it to scrutinising role
- or
- have new elections.

(ii) Scrutiny procedures

- Assembly to establish committees to examine policies and activities in relation to transferred powers and other matters if Secretary of State requests, and advise on draft legislation.
- Committee reports if adopted and sent to Secretary of State to be laid at Westminster.
- Ministers, civil servants may attend but Assembly would have no formal powers to summon persons or papers.
- Presiding Officer to allocate Chair, Deputy Chairs of Committees reflecting party representation.
- If powers devolved, Assembly to decide if committee structure to continue.

(2) Act

The Act provided the legislative backing for the proposals in the White Paper largely as outlined above. It may be noted however that the Act also provides (Schedule 2) that two of the Executive members may be from outside of the Assembly, but only one of these may be a Head of Department.

Comment

The SDLP would not go into the Assembly. In addition to general political difficulties, the mechanics of a scheme - 70% of members, (or a majority if Secretary of State thought proposals adequate to command widespread support) - would not be adequate to ensure that the scheme would be acceptable to both sides of the community.

In December 1984, the OUP sought to have the 1982 Act changed by a private member's Bill introduced by Maginnis to provide that a devolution report could go forward if adopted by 70% of the members of the Assembly present and voting. The Bill was lost.

The strength of the parties in the Assembly was:

	<u>Seats</u>
OUP	26
DUP	21
SDLP	14
PSF	5
Alliance	10
U. PUP	1
Other Unionist	1